



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2020

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 26 '19	Jan. 15 '20	Feb. 4 '20	Feb. 19 '20	Feb. 21 '20	Mar. 11 '20	Apr. 15 '20	July 13 '20
Jan. 8	Jan. 29	Feb. 18	Mar. 4	Mar. 6	Mar. 25	Apr. 29	July 27
Jan. 24	Feb. 12	Mar. 3	Mar. 18	Mar. 20	Apr. 8	May 13	Aug. 10
Feb. 7	Feb. 26	Mar. 17	Apr. 1	Apr. 3	Apr. 22	May 27	Aug. 24
Feb. 21	Mar. 11	Mar. 31	Apr. 15	Apr. 17	May 6	June 10	Sep. 7
Mar. 6	Mar. 25	Apr. 14	Apr. 29	May 1	May 20	June 24	Sep. 21
Mar. 20	Apr. 8	Apr. 28	May 13	**May 13**	June 3	July 8	Oct. 5
Apr. 3	Apr. 22	May 12	May 27	May 29	June 17	July 22	Oct. 19
Apr. 17	May 6	May 26	June 10	June 12	July 1	Aug. 5	Nov. 2
May 1	May 20	June 9	June 24	**June 24**	July 15	Aug. 19	Nov. 16
May 13	June 3	June 23	July 8	July 10	July 29	Sep. 2	Nov. 30
May 29	June 17	July 7	July 22	July 24	Aug. 12	Sep. 16	Dec. 14
June 12	July 1	July 21	Aug. 5	Aug. 7	Aug. 26	Sep. 30	Dec. 28
June 24	July 15	Aug. 4	Aug. 19	**Aug. 19**	Sep. 9	Oct. 14	Jan. 11 '21
July 10	July 29	Aug. 18	Sep. 2	Sep. 4	Sep. 23	Oct. 28	Jan. 25 '21
July 24	Aug. 12	Sep. 1	Sep. 16	Sep. 18	Oct. 7	Nov. 11	Feb. 8 '21
Aug. 7	Aug. 26	Sep. 15	Sep. 30	Oct. 2	Oct. 21	Nov. 25	Feb. 22 '21
Aug. 19	Sep. 9	Sep. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '21
Sep. 4	Sep. 23	Oct. 13	Oct. 28	**Oct. 28**	Nov. 18	Dec. 23	Mar. 22 '21
Sep. 18	Oct. 7	Oct. 27	Nov. 11	**Nov. 12**	Dec. 2	Jan. 6 '21	Apr. 5 '21
Oct. 2	Oct. 21	Nov. 10	Nov. 25	Nov. 27	Dec. 16	Jan. 20 '21	Apr. 19 '21
Oct. 16	Nov. 4	Nov. 24	Dec. 9	**Dec. 9**	Dec. 30	Feb. 3 '21	May 3 '21
Oct. 28	Nov. 18	Dec. 8	Dec. 23	**Dec. 23**	Jan. 13 '21	Feb. 17 '21	May 17 '21
Nov. 12	Dec. 2	Dec. 22	Jan. 6 '21	**Jan. 6 '21**	Jan. 27 '21	Mar. 3 '21	May 31 '21
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 10, 2020	July 29, 2020
4	Friday, July 24, 2020	August 12, 2020
5	Friday, August 7, 2020	August 26, 2020

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

****Note change of filing deadline****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, July 14, 2020, at 9 a.m. The meeting will be held as a videoconference. For more information, contact Jack Ewing at Jack.Ewing@legis.iowa.gov. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Hemp, ch 96 Filed **ARC 5050C**..... 6/17/20

ATTORNEY GENERAL[61]

Registration of physical exercise clubs, 26.3, 26.4(7) Filed **ARC 5076C**..... 7/1/20

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Wastewater and water supply delegated construction permitting authority; water use permitting, ch 9, 50.4(2)"b"(2), 50.7(3)"a" Filed **ARC 5052C**..... 6/17/20

Air quality, 20.2, 22.1(3), 22.100, 22.120, 22.128(4), 23.1, 23.5, 25.1(9), 30.1(1), 33.3 Filed **ARC 5051C**..... 6/17/20

HUMAN SERVICES DEPARTMENT[441]

Medicaid for employed people with disabilities program—premium amounts, 75.1(39)"b" Notice **ARC 5049C**..... 6/17/20

Licensing and regulation of foster family homes, 113.3(4), 113.5 to 113.7, 113.11, 113.12(5), 113.14(1) Filed **ARC 5064C**..... 7/1/20

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Safety zone on Beaver Creek for watercraft and vehicles, 40.61 Filed **ARC 5053C**..... 6/17/20

Virtual fishing tournaments, 44.2, 44.5(4), 44.8 Filed **ARC 5054C**..... 6/17/20

Permits for application of chemicals to public waters for removal of aquatic plants for navigational and recreational purposes, 54.5(1) Filed **ARC 5055C**..... 6/17/20

Fishing regulations, 81.2 Filed **ARC 5056C**..... 6/17/20

Waterfowl and coot hunting seasons and zones, 91.1, 91.3 Filed **ARC 5057C**..... 6/17/20

Wild turkey hunting—archery-only season, shotgun-or-archery quota, 98.2(4)"b," 99.5(1)"e" Filed **ARC 5065C**..... 7/1/20

Deer hunting by residents, 106.1, 106.2(5), 106.4(5), 106.6 Filed **ARC 5066C**..... 7/1/20

River otters and bobcats—open area, seasonal bag limit, 108.7 Filed **ARC 5067C**..... 7/1/20

Fish kill counting and assessment of restitution—use of American Fisheries Society (AFS) special publication 35, 113.2 Filed **ARC 5058C**..... 6/17/20

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Dietitians—child abuse and dependent adult abuse mandatory reporter training, 81.9(4) Filed **ARC 5068C**..... 7/1/20

Hearing aid specialists—child abuse and dependent adult abuse mandatory reporter training, 121.9(4) Filed **ARC 5069C**..... 7/1/20

Nursing home administrators—child abuse and dependent adult abuse mandatory reporter training, 141.9(8) Filed **ARC 5070C**..... 7/1/20

Optometrists—child abuse and dependent adult abuse mandatory reporter training, 180.5(4), 181.3(2) Filed **ARC 5071C**..... 7/1/20

Physical therapists and physical therapist assistants, occupational therapists and occupational therapy assistants—license reactivation, 200.15(3), 206.11(3) Filed **ARC 5072C**..... 7/1/20

Psychologists—child abuse and dependent adult abuse mandatory reporter training, 240.13(4) Filed **ARC 5073C**..... 7/1/20

PUBLIC HEALTH DEPARTMENT[641]

Radiation, amendments to chs 37 to 41, 45 Filed **ARC 5059C**..... 6/17/20

Advisory council on brain injuries—teleconference option for official meetings, 55.6 Filed **ARC 5060C**..... 6/17/20

Licensing—spouses of active duty service members, amendments to ch 196 Filed **ARC 5061C**..... 6/17/20

PUBLIC SAFETY DEPARTMENT[661]

Fire extinguishing and alarm systems contractors and installers, electricians, electrical contractors—expedited licensure for spouses of active duty military service members, amendments to chs 278, 506 Filed **ARC 5074C**..... 7/1/20

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Occupational and vendor licensing—sanction prohibited for student loan debt or service obligation default or delinquency, 3.11(3), 6.12 Filed **ARC 5075C** 7/1/20

VETERINARY MEDICINE BOARD[811]

Licensing sanction prohibition for student loan debt and related service obligations, 5.18, 6.8, 10.6(1) Filed **ARC 5062C** 6/17/20

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Waylon Brown
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St. Ansgar, Iowa 50472

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Denison, Iowa 51442

Senator Mark Costello
37265 Rains Avenue
Imogene, Iowa 51645

Representative Megan Jones
4470 Highway 71
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Representative Joe Mitchell
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NOTE: There are no public hearings scheduled at this time.

The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

July 1, 2019 — July 31, 2019	4.50%
August 1, 2019 — August 31, 2019	4.00%
September 1, 2019 — September 30, 2019	4.00%
October 1, 2019 — October 31, 2019	3.75%
November 1, 2019 — November 30, 2019	3.75%
December 1, 2019 — December 31, 2019	3.75%
January 1, 2020 — January 31, 2020	3.75%
February 1, 2020 — February 29, 2020	3.50%
March 1, 2020 — March 31, 2020	3.75%
April 1, 2020 — April 30, 2020	3.50%
May 1, 2020 — May 31, 2020	2.75%
June 1, 2020 — June 30, 2020	2.75%
July 1, 2020 — July 31, 2020	2.75%

ARC 5076C

ATTORNEY GENERAL[61]

Adopted and Filed

Rule making related to regulation of physical exercise clubs

The Attorney General hereby amends Chapter 26, “Regulation of Physical Exercise Clubs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 552.20.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2000 Iowa Acts, chapter 1021, section 4.

Purpose and Summary

The limited purpose of these amendments is to remove rules that implemented a statutory provision that has been repealed. Iowa Code section 552.15 mandated that persons operating or intending to operate a physical exercise facility in the state of Iowa register with the Iowa Attorney General’s Consumer Protection Division. This provision was repealed by 2000 Iowa Acts, chapter 1021, section 4. Since the repeal of Iowa Code section 552.15, the rules adopted by the Attorney General concerning that section are no longer good law. Rule 61—26.3(552), Registration, is such a rule. The rule’s continuing presence in the Iowa Administrative Code causes confusion because, though the rule is no longer enforced, persons operating physical exercise facilities are wary of disregarding its written stipulations. Thus, the Attorney General finds it both practical and legally necessary to rescind and reserve rule 61—26.3(552).

In addition, the introductory paragraph of subrule 26.4(7) provides that a physical exercise club shall be provided notice of hearing at its place of business as shown on its registration statement. Now that these entities no longer have to register, it is no longer practical to send notice to these locations. Fortunately, these entities still have to file a copy of their escrow agreements with the Attorney General pursuant to paragraph 26.4(2)“a.” As such, their addresses should still be on file with the Attorney General notwithstanding their lack of registration. Thus, the Attorney General finds it practical and legally necessary to strike the language referencing registration from the introductory paragraph of subrule 26.4(7).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 6, 2020, as **ARC 5030C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Attorney General on June 10, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

ATTORNEY GENERAL[61](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Attorney General for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve rule **61—26.3(552)**.

ITEM 2. Amend subrule 26.4(7), introductory paragraph, as follows:

26.4(7) Notice of hearing. The physical exercise club shall be provided notice of hearing at its place of business ~~as shown on its registration statement~~. All buyers who have funds in the escrow account shall be provided notice of the hearing at their last-known address with costs assessed to the physical exercise club. Notice of hearing will include:

[Filed 6/10/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5064C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to foster family homes

The Human Services Department hereby amends Chapter 113, "Licensing and Regulation of Foster Family Homes," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

The President signed the Bipartisan Budget Act of 2018, P.L. 115-123, into law on February 9, 2018. P.L. 115-123 includes the Families First Prevention Services Act (FFPSA) in Division E, Title VII. Section 50731 of the FFPSA directs the federal Department of Health and Human Services (HHS) to "identify reputable model licensing standards with respect to the licensing of foster family homes" (as defined in section 472(c)(1) of the Social Security Act). In response to this directive, the Children's Bureau of HHS issued the National Model Foster Family Home Licensing Standards. These amendments

HUMAN SERVICES DEPARTMENT[441](cont'd)

pertain to the licensing and regulation of foster family homes and are required to align with the federal model licensing standards. The following requirements are added to the administrative rules:

- Applicants must be able to communicate with the licensing agency and health care and other service providers.
- At least one applicant in the home must have functional literacy: a level of reading, writing and calculation skills sufficient to function in the community in which an individual lives. An example for a foster parent would be to have the ability to read labels on medications in order to properly administer the medications to a child.
- Applicants and all household members must disclose any past or current mental health and/or substance abuse issues. The Department may require further documentation and/or evaluation to determine the suitability of the home.
- There must be at least one scheduled in-home, individual interview of each household member to observe family functioning and assess the family's capacity to meet the needs of a child in foster care. The contracted agency will determine whether to interview or just observe each household member based on the household member's age and development.
- All household members who are caregivers must have up-to-date whooping cough vaccines unless contrary to the person's health.
- The contracted agency must obtain at least three references, including at least one from a relative and one from a nonrelative.
- The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:
 - Swimming pools must have a barrier on all sides at least four feet high.
 - Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.
 - Swimming pools must be equipped with a lifesaving device, such as a ring buoy.
 - If the swimming pool cannot be emptied after each use, the pool must have a working pump and filter system.
 - Hot tubs and spas must have safety covers that are locked when not in use.
- The applicant's home must meet the following standards concerning hazardous materials and first aid supplies:
 - Applicants must prevent the child's access, as appropriate for the child's age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages. All medications should be kept in a locked cabinet.
 - Applicants must maintain first aid supplies as recommended by the American Red Cross.
- Assurances from applicants must be agreed upon, including:
 - They will not use any corporal or degrading punishment on any child in the home.
 - They will not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and nonprescription drugs by consuming them in excess amounts or using them contrary as indicated.

Weapons and ammunition must be separately stored, locked, unloaded and inaccessible to children. Currently, the rules require that weapons and firearms be maintained in a locked place such as a gun case. Federal requirements now specify the type of place and a list of weapons and ammunition that must be identified in the rule.

The Model Licensing Standards were to be in effect April 1, 2019. The Department requested additional time from the federal HHS to implement the standards through administrative rules. Additional time was approved by HHS. The Department is moving forward with this rule making, since Iowa is out of compliance in several areas. Failure to meet the Model Family Home Foster Licensing Standards could result in the loss of Iowa's IV-E federal funding.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 8, 2020, as **ARC 5024C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 10, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 1, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **113.3(4)“a”** as follows:

a. Process. Information for the home study is gathered primarily through the required preservice training as described in rule 441—117.1(237). ~~In addition:~~ Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. 42 U.S.C.A. Section 671(a)(26)(B) provides that any receiving state must treat any tribal home study report as meeting the requirements imposed by the state for the completion of a home study.

(1) No change.

(2) The worker shall hold at least one face-to-face interview with each member of the household in the applicant's home to observe family functioning and to assess the family's capacity to meet the needs of a child in foster care. The worker will determine whether to interview or just observe each household member based on the household member's age and development.

(3) and (4) No change.

ITEM 2. Amend subparagraph **113.3(4)“b”(5)** as follows:

(5) Medical, mental, and emotional conditions that may affect the applicant's ability to parent a child; treatment history; current status of treatment; and the evaluation of the treatment. Applicants and all household members must disclose any past or current mental health or substance abuse issues, or both. The department may require further documentation or evaluation, or both, to determine the suitability of the home.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 3. Renumber subparagraphs **113.3(4)“b”(6)** to **(16)** as **113.3(4)“b”(7)** to **(17)**.

ITEM 4. Adopt the following **new** subparagraph **113.3(4)“b”(6)**:

(6) All children who are household members must be up to date on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional.

ITEM 5. Amend paragraph **113.5(2)“c”** as follows:

c. When there is a swimming pool or child's plastic pool on the premises: The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:

(1) A child's plastic pool shall be drained daily and shall be inaccessible to children when it is not in use. Swimming pools must have a barrier on all sides at least four feet high.

(2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. The cover shall meet or exceed the ASTM International (formerly known as the American Society for Testing and Materials) specification intended to reduce the risk of drowning by inhibiting access to the water by children under five years of age. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

~~(3) An uncovered aboveground swimming pool shall be enclosed with an approved fence that is nonclimbable and is at least four feet high. The height of the side of the pool may be included. Swimming pools must be equipped with a lifesaving device, such as a ring buoy.~~

~~(4) An uncovered in-ground swimming pool flush with the ground shall be enclosed with an approved fence that is nonclimbable and is at least four feet high. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.~~

(5) Hot tubs and spas must have safety covers that are locked when not in use.

The foster parent or other adult shall provide reasonable supervision according to the ages and swimming abilities of the foster children when they are using the pool.

ITEM 6. Rescind paragraph **113.5(2)“d.”**

ITEM 7. Amend subparagraph **113.5(6)“a”(1)** as follows:

(1) Children over 6 five years of age shall not share a bedroom with a child of the opposite sex.

ITEM 8. Amend paragraph **113.5(6)“b”** as follows:

b. Children ~~2~~ two years of age or older shall be provided bedroom space other than in the foster parents' bedroom. Foster children under the age of ~~2~~ two may share a bedroom with the foster parent in an individual crib.

ITEM 9. Amend subrule 113.5(9) as follows:

113.5(9) Toilet Bathroom facilities.

a. Bathroom facilities shall have at least one toilet, sink, and tub or shower in safe operating condition.

~~a. b. Toilet Bathroom facilities shall have natural or artificial ventilation.~~

~~b. All toilet facilities shall be maintained in a clean and working condition.~~

ITEM 10. Amend paragraph **113.5(10)“b”** as follows:

b. Fireplaces and water heaters shall be vented to the outside atmosphere. The temperature of any water heaters must be set in accordance with the manufacturer's recommendations. Kerosene heaters and gas-fired space heaters shall not be used to heat any space in the home.

ITEM 11. Adopt the following **new** subrule 113.5(12):

113.5(12) Phone. A working phone or access to a working phone shall be in close walking proximity to an applicant's living space.

ITEM 12. Amend subrule 113.6(1) as follows:

113.6(1) Food preparation and storage. Food preparation areas shall be clean, and ~~there shall be facilities to store perishable food at cold temperatures and storage areas for other nonperishable food~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

supplies the home shall have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.

ITEM 13. Adopt the following **new** subrule 113.6(6):

113.6(6) Rodent and insect infestation. The home shall prevent or eliminate rodent and insect infestation.

ITEM 14. Amend paragraph **113.7(1)“a”** as follows:

~~a. A working~~ At least one UL (Underwriter’s Laboratory)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For hearing-impaired children, the foster parent shall install a smoke detector in the child’s bedroom that will use an alternative means of waking the child.

ITEM 15. Amend subrule 113.7(3) as follows:

113.7(3) Safety plan. The family shall have an emergency safety plan to be used for fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for children in out-of-home placements. The safety plans shall state the action that the foster parents and children are to take in each situation that may occur and shall be posted in a prominent place in the home.

a. to c. No change.

d. Applicants must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home. If there is a landline phone located in the home, the numbers must be posted next to the phone.

ITEM 16. Amend subrule 113.7(4) as follows:

113.7(4) Medications, first aid and poisonous substances. ~~All medications and poisonous, toxic, or otherwise unsafe substances shall be kept secured from access by children.~~

a. and b. No change.

c. Applicants must prevent the child’s access, as appropriate for the child’s age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages.

d. Applicants must maintain first aid supplies as recommended by the American Red Cross.

ITEM 17. Amend paragraph **113.7(5)“a”** as follows:

~~a. Weapons and firearms shall be maintained in a locked place, such as a gun case. The following~~ weapons must be stored in an inoperative condition in a locked area inaccessible to children:

- (1) Firearms;
- (2) Air guns;
- (3) BB guns;
- (4) Hunting slingshots;
- (5) Any other projectile weapons.

ITEM 18. Amend paragraph **113.7(5)“b”** as follows:

~~b. Ammunition~~ All ammunition, arrows or projectiles for such weapons shall be maintained in a locked place separate from the firearms.

ITEM 19. Adopt the following **new** paragraph **113.7(5)“f”**:

f. Foster parents who are also law enforcement officials and can document that their jurisdiction requires them to have ready and immediate access to their weapons may be exempt from these weapon requirements provided they adopt and follow a safety plan approved by the department.

ITEM 20. Amend subrule 113.7(6) as follows:

113.7(6) Transporting foster children.

~~a. Foster parents shall have a valid Iowa driver’s license and adequate motor vehicle insurance when the foster parents transport foster children in a motor vehicle.~~

b. Foster parents shall ensure that appropriate child safety restraints, as required by Iowa law, are used for all foster children when the foster parents transport the children in a motor vehicle.

HUMAN SERVICES DEPARTMENT[441](cont'd)

a. Foster parents will ensure that if a privately owned vehicle, owned by the applicants, family or friends, is used to transport the child in foster care, it must be inspected (if applicable under state law), registered, and insured and meet all applicable state or tribal requirements to be an operable vehicle on the road.

b. The driver will have a valid Iowa driver's license.

c. Safety restraints will be used that are appropriate to the child's age, height, and weight.

e. d. Any motor vehicles used to transport foster children shall be smoke-free when foster children are being transported.

e. Weapons must not be transported in any vehicle in which the child is riding unless the weapons are made inoperable and inaccessible.

f. Foster parents will have access to reliable public transportation if they do not have access to a reliable, registered, and insured vehicle.

ITEM 21. Renumber subrule **113.11(3)** as **113.11(4)**.

ITEM 22. Adopt the following **new** subrule 113.11(3):

113.11(3) Whooping cough vaccine. All household members who are caregivers must have up-to-date whooping cough vaccines unless contrary to the person's health.

ITEM 23. Reletter paragraphs **113.12(5)“d”** to **“i”** as **113.12(5)“f”** to **“k.”**

ITEM 24. Adopt the following **new** paragraphs **113.12(5)“d”** and **“e”**:

d. Be able to communicate with the licensing agency and health care and other service providers.

e. Have functional literacy, a level of reading, writing and calculation skills such as having the ability to read labels on medications in order to properly administer them.

ITEM 25. Amend subrule 113.14(1) as follows:

113.14(1) At least three additional unsolicited references shall be checked for all foster family home applicants in addition to a minimum of three references provided by the applicant. Required references shall include a minimum of one relative and one nonrelative.

[Filed 6/10/20, effective 9/1/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5065C

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to wild turkey hunting

The Natural Resource Commission (Commission) hereby amends Chapter 98, “Wild Turkey Spring Hunting,” and Chapter 99, “Wild Turkey Fall Hunting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures,

NATURAL RESOURCE COMMISSION[571](cont'd)

means and methods of take, and transportation tag requirements. This rule making aligns the start date of the archery-only season with the start date of the combination shotgun-or-archery season. Hunters expect these dates to be the same, and as the rules are currently written, the dates could be different depending on how calendar dates fall.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. This rule making raises the combination shotgun-or-archery quota for Zone 8 from 150 to 200. This increase has been evaluated by the State Forest Wildlife Biologist and local Management Biologist and determined to be biologically responsible at this time. Moreover, statewide participation in fall turkey hunting is declining, so it is anticipated that the modest quota increase in Zone 8 will, at best, balance out reduced participation elsewhere.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 6, 2020, as **ARC 5034C**. A public hearing was held on May 26, 2020, at 1 p.m. via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on June 11, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **98.2(4)“b”** as follows:

b. Archery-only licenses. The season shall be 35 days beginning on the second Monday ~~closest to~~ of April ~~15~~.

NATURAL RESOURCE COMMISSION[571](cont'd)

ITEM 2. Amend paragraph **99.5(1)“e”** as follows:
e. Zone 8. ~~150~~ 200

[Filed 6/11/20, effective 8/5/20]

[Published 7/1/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5066C

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to deer hunting by residents

The Natural Resource Commission (Commission) hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.39 and 481A.48(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.39 and 481A.48(1).

Purpose and Summary

Chapter 106, which governs deer hunting by residents in the state of Iowa, sets regulations for deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making adopts three amendments to Chapter 106. First, general deer licenses are reestablished as valid in seven counties (Cerro Gordo, Franklin, Grundy, Hancock, Hardin, Winnebago, and Worth) for all seasons, and in all of northwest Iowa for the early muzzleloader season. Deer populations have been steadily increasing in the northwest, allowing for this increase in recreational opportunity for Iowa hunters.

Second, the January antlerless-deer-only season is rescinded for all counties. Due to a widespread outbreak of Epizootic Hemorrhagic Disease (EHD) in the summer of 2019, deer numbers and harvest have been down across much of the state.

Third, this rule making modifies the resident county antlerless-deer license quotas for a total of 23 counties. Quotas are increased in Clayton, Fayette, Floyd, Guthrie, Jackson, Jones, Lee, Mitchell, Tama, Washington, and Winneshiek Counties to reduce deer densities for disease control or to alleviate negative human-deer interactions. Quotas are decreased in Adams, Bremer, Fremont, Jefferson, Montgomery, Page, Poweshiek, Ringgold, Taylor, Union, Wapello, and Woodbury Counties to stabilize a healthy local population. Statewide, the overall proposed quota change is an increase of 125.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 6, 2020, as **ARC 5032C**. A public hearing was held on May 26, 2020, at 1 p.m. via video/conference call. No one attended the public hearing.

Seven comments were received during the public comment period. The most common comment (four) was there are too many deer in various locations of the state. Other comments included requests to close pheasant season during deer season (one), increase the number of depredation tags available (one), and make depredation tags valid for all seasons (one).

NATURAL RESOURCE COMMISSION[571](cont'd)

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on June 11, 2020.

Fiscal Impact

This rule making has no negative fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **106.1(1)“a”** as follows:

a. General deer licenses. General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, ~~Cerro Gordo~~, Cherokee, Clay, Dickinson, Emmet, ~~Franklin~~, Grundy, Hamilton, ~~Hancock~~, ~~Hardin~~, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, ~~Winnebago~~, ~~Worth~~ and Wright counties during the ~~early muzzleloader~~ or first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

ITEM 2. Rescind and reserve subrule **106.1(6)**.

ITEM 3. Rescind and reserve subrule **106.2(5)**.

ITEM 4. Rescind and reserve subrule **106.4(5)**.

ITEM 5. Rescind and reserve subrule **106.6(4)**.

ITEM 6. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

NATURAL RESOURCE COMMISSION[571](cont'd)

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	0 <u>100</u>	Monona	850
Adams	1450 <u>1200</u>	Franklin	0	Monroe	2250
Allamakee	3800	Fremont	300 <u>200</u>	Montgomery	750 <u>500</u>
Appanoose	2700	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950 <u>2150</u>	Osceola	0
Black Hawk	0	Hamilton	0	Page	750 <u>500</u>
Boone	300	Hancock	0	Palo Alto	0
Bremer	400 <u>300</u>	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	150	Howard	450	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300 <u>200</u>
Carroll	0	Ida	0	Ringgold	1600 <u>1400</u>
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	975 <u>1100</u>	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1650 <u>1500</u>	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2400	Jones	950 <u>1100</u>	Tama	200 <u>300</u>
Clay	0	Keokuk	450	Taylor	1600 <u>1500</u>
Clayton	3800 <u>4000</u>	Kossuth	0	Union	1500 <u>1400</u>
Clinton	400	Lee	1275 <u>1500</u>	Van Buren	2100
Crawford	0	Linn	850	Wapello	1825 <u>1700</u>
Dallas	1875	Louisa	675	Warren	2700
Davis	1700	Lucas	2500	Washington	750 <u>1000</u>
Decatur	2200	Lyon	0	Wayne	2700
Delaware	950	Madison	3000	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1850	Winneshiek	2500 <u>2700</u>
Dubuque	975	Marshall	150	Woodbury	400 <u>300</u>
Emmet	0	Mills	500	Worth	0
Fayette	2000 <u>2300</u>	Mitchell	0 <u>100</u>	Wright	0

[Filed 6/11/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5067C**NATURAL RESOURCE COMMISSION[571]****Adopted and Filed****Rule making related to harvesting of certain furbearers**

The Natural Resource Commission (Commission) hereby amends Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.87.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.87.

Purpose and Summary

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers. This rule making increases the bag limit for river otters from two per fur harvester to three per fur harvester, adds Boone and Webster Counties to the one-bobcat-per-fur-harvester zone, and clarifies the total allowable bobcat harvest by a fur harvester in a season.

The bobcat and river otter populations are able to withstand these changes. Population data from the past 12 years reveal that Iowa’s river otter and bobcat populations continue to grow and expand into more counties with suitable habitat. Information about their population trends is derived from a variety of sources, such as hunter surveys, harvest information, tooth age distribution, field reports, and sightings. The amendments are, therefore, biologically responsible, as required by law. Additionally, they will increase recreational opportunities for Iowa fur harvesters while helping minimize social issues associated with high river otter or bobcat densities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 6, 2020, as **ARC 5033C**. A public hearing was held on May 26, 2020, at 1 p.m. via video/conference call. No one attended the public hearing.

Three comments were received during the public comment period. Two supported the proposed changes, and one encouraged the Department to continue or increase monitoring bobcat and otter populations in the future. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on June 11, 2020.

Fiscal Impact

The Department of Natural Resources (Department) anticipates a very modest increase in fur harvester license sales from the proposed rule. Currently, resident fur harvester licenses, with the wildlife habitat fee, are \$41 per year. If any additional fur harvester licenses are sold due to this rule making, revenue would be generated for the State Fish and Game Protection Fund. A copy of the fiscal impact statement is available from the Department upon request.

NATURAL RESOURCE COMMISSION[571](cont'd)

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 108.7(2) as follows:

108.7(2) *Open area.* River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

ITEM 2. Amend subrule 108.7(3) as follows:

108.7(3) *Seasonal bag limit.*

a. The seasonal bag limit for river otters is 2 ~~3~~ river otters per person.

b. The seasonal bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

c. The seasonal bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

d. No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal bag limit or in a closed area must be turned over to the department; the ~~trapper~~ fur harvester shall not be penalized.

[Filed 6/11/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5068C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to child abuse and dependent adult abuse mandatory reporter training

The Board of Dietetics hereby amends Chapter 81, “Licensure of Dietitians,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that dietitians who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4935C**. A public hearing was held on March 18, 2020, at 10 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on June 5, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making action is adopted:

Amend subrule 81.9(4) as follows:

81.9(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 81.9(4) "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 81.9(4) "e."

~~*c.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "~~a~~" 81.9(4) "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 82 rule 645—4.14(272C).~~

f. The board may select licensees for audit of compliance with the requirements in paragraphs "~~a~~" 81.9(4) "a" to "e."

[Filed 6/12/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5069C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to mandatory child and dependent adult abuse identification and reporting training

The Board of Hearing Aid Specialists hereby amends Chapter 121, “Licensure of Hearing Aid Specialists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse identification and reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse identification and reporting to reflect the statutory changes and requires that hearing aid specialists who must make reports for child or dependent adult abuse comply with the training requirements provided in Iowa Code sections 232.69 and 235B.16 every three years. This rule making also updates subrule 121.9(4) to correct a reference.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 4, 2019, as **ARC 4786C**. A public hearing was held on January 6, 2020, at 9:30 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on February 3, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making action is adopted:

Amend subrule 121.9(4) as follows:

121.9(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours~~ of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "e."

c. ~~A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e." Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 122 645—Chapter 4.~~

f. The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e."

[Filed 6/1/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5070C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to child abuse and dependent adult abuse mandatory reporter training

The Board of Nursing Home Administrators hereby amends Chapter 141, “Licensure of Nursing Home Administrators,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” 272C.2, and 272C.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that nursing home administrators who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4936C**. A public hearing was held on March 18, 2020, at 10:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on April 16, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making action is adopted:

Amend subrule 141.9(8) as follows:

141.9(8) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa shall complete an initial two-hour child abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph "e." 141.9(8) "d."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall complete an initial two-hour dependent adult mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five three years of condition(s) for waiver of this requirement as identified in paragraph "e." 141.9(8) "d."

~~*e.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.~~

~~*c.* The licensee shall maintain written documentation for five three years after mandatory training as identified in paragraphs "a" to "e," including program date(s), content, duration, and proof of participation. 141.9(8) "a" and "b."~~

e. d. The requirement for mandatory training trainings for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645 Chapter 143 rule 645—4.14(272C).~~

~~*f. e.* The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e." 141.9(8) "a" to "d."~~

[Filed 6/12/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5071C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

**Rule making related to child abuse and dependent adult
abuse identification and reporting training**

The Board of Optometry hereby amends Chapter 180, “Licensure of Optometrists,” and Chapter 181, “Continuing Education for Optometrists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 272C.2, 232.69(3)“e,” and 235B.16(5)“e.”

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse identification and reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse identification and reporting to reflect the statutory changes and requires that optometrists who must report child or dependent adult abuse comply with the training requirements provided in Iowa Code sections 232.69 and 235B.16 every three years. In addition, this rule making amends subparagraph 180.5(4)“e”(2) to delete a reference to a previously rescinded rule and substitute a reference to the current rule. This rule making also amends the Board’s rules on continuing education requirements to reflect the statutory changes to Iowa Code sections 232.69 and 235B.16.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 15, 2020, as **ARC 4854C**. A public hearing was held on February 4, 2020, at 10 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. One change from the Notice has been made to clarify the name of a professional council.

Adoption of Rule Making

This rule making was adopted by the Board on April 9, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 180.5(4) as follows:

180.5(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b"~~ in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph 180.5(4) "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b"~~ in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph 180.5(4) "e."

~~*c.* A licensee who, in the scope of professional practice or in the course of the licensee's employment responsibilities, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs 180.5(4) "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 181 rule 645—4.14(272C).~~

f. The board may select licensees for audit of compliance with the requirements in paragraphs 180.5(4) "a" to "e."

ITEM 2. Amend paragraph **181.3(2)"a"** as follows:

a. Continuing education hours of credit may be obtained by attending:

(1) The continuing education programs of the Iowa Optometric Association, the American Optometric Association, the American Academy of Optometry, and national regional optometric congresses, schools of optometry, all state optometric associations, and the department of ophthalmology of the school of medicine of the University of Iowa;

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

(2) Postgraduate study through an accredited school or college of optometry;
 (3) Meetings or seminars that are approved and certified for optometric continuing education by the Association of Regulatory Boards of Optometry's Council on Optometric Practitioner Education Committee (COPE) committee; or

(4) Training on child abuse and dependent adult abuse identification and reporting required pursuant to Iowa Code sections 232.69 and 235B.16 and 645—subrule 180.5(4).

(4) Beginning with the July 1, 2006, biennium, therapeutic licensees who provide proof of current CELMO certification meet continuing education requirements for the biennium.

ITEM 3. Amend subparagraph **181.3(2)“b”(4)** as follows:

(4) ~~Two~~ Four hours of credit for dependent adult abuse and child abuse identification.

[Filed 6/12/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5072C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to license reactivation

The Board of Physical and Occupational Therapy hereby amends Chapter 200, “Licensure of Physical Therapists and Physical Therapist Assistants,” and Chapter 206, “Licensure of Occupational Therapists and Occupational Therapy Assistants,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.11.

Purpose and Summary

This rule making amends the Board's requirements for license reactivation by allowing the Board to accept verification from another state or jurisdiction that shows two years of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction preceding application for reactivation in lieu of completion of continuing education.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 12, 2020, as **ARC 4917C**. A public hearing was held on March 4, 2020, at 9:30 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on June 12, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 200.15(3) as follows:

200.15(3) Provide verification of current competence to practice physical therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 20 hours of continuing education for a physical therapy assistant and 40 hours of continuing education for a physical therapist within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 40 hours of continuing education for a physical therapy assistant and 80 hours of continuing education for a physical therapist within two years of application for reactivation; verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation; or evidence of successful

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

ITEM 2. Amend subrule 206.11(3) as follows:

206.11(3) Provide verification of current competence to practice occupational therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 15 hours of continuing education for an occupational therapy assistant and 30 hours of continuing education for an occupational therapist within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 30 hours of continuing education for an occupational therapy assistant and 60 hours of continuing education for an occupational therapist within two years of application for reactivation; verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

[Filed 6/12/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5073C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to child abuse and dependent adult abuse mandatory reporter training

The Board of Psychology hereby amends Chapter 240, "Licensure of Psychologists," Iowa Administrative Code.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 232.69(3)“e,” 235B.16(5)“e,” and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that psychologists who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 26, 2020, as **ARC 4934C**. A public hearing was held on March 18, 2020, at 11 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on April 24, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making action is adopted:

Amend subrule 240.13(4) as follows:

240.13(4) Mandatory reporter training requirements.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 240.13(4) "e."

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph "~~e.~~" 240.13(4) "e."

~~c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~

~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~

d. The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in paragraphs "~~a~~" 240.13(4) "a" to "c," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military service of this state or the United States.
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in ~~645—Chapter 241 rule 645—4.14(272C).~~

~~f. The board may select licensees for audit of compliance with the requirements in paragraphs "~~a~~" 240.13(4) "a" to "e."~~

[Filed 6/12/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5074C

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rule making related to military service and veteran reciprocity

The Public Safety Department hereby amends Chapter 278, "Military Service and Veteran Reciprocity for Fire Extinguishing and Alarm Systems Contractors and Installers," and Chapter 506, "Military Service and Veteran Reciprocity," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 272C.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Purpose and Summary

These amendments implement changes required by 2019 Iowa Acts, House File 288, section 4, providing for expedited licensure for spouses of active duty service members of the military forces of the United States.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 8, 2020, as **ARC 5025C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on June 1, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend **661—Chapter 278**, title, as follows:
MILITARY SERVICE, ~~AND~~ VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS FOR FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND INSTALLERS

ITEM 2. Adopt the following **new** definition of “Spouse” in rule **661—278.1(272C)**:
“Spouse” means a spouse of an active duty service member of the military forces of the United States.

ITEM 3. Amend rule 661—278.3(272C) as follows:

661—278.3(272C) Veteran and spouse of active duty service member reciprocity.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

278.3(1) A veteran or a spouse with a fire protection or alarm system license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for fire protection and alarm systems licensees as set out in the administrative rules in effect at the time that the military service application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A fully completed licensure application submitted by a veteran or a spouse under this subrule is to be given priority and is expedited.

278.3(2) A licensure application shall contain all of the information required of all military service applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity. This information includes, but is not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history and, if applicable, a criminal history background check. In addition, the veteran applicant shall provide such documentation as is reasonably needed to verify the veteran's applicant's status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

278.3(3) Upon receipt of a fully completed licensure application, the division shall promptly determine if the licensing requirements of the jurisdiction where the veteran applicant is licensed are substantially equivalent to the licensing requirements in Iowa. The division shall make this determination based on information supplied by the veteran applicant and additional information the division may acquire from the applicable jurisdiction. The division may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

278.3(4) The division shall promptly grant a license to the veteran applicant if the veteran applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to the licensing requirements in Iowa, unless the veteran applicant is ineligible for licensure based on other grounds, such as the veteran's applicant's disciplinary or criminal history.

278.3(5) If the division determines that the licensing requirements of the jurisdiction in which the veteran applicant is licensed are not substantially equivalent to the licensing requirements in Iowa, the division shall promptly inform the veteran applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the veteran applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal history, the following shall apply:

a. If a veteran applicant has not obtained the required certification for licensure, the veteran applicant may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year, or as mutually agreed upon, to provide the veteran applicant with the opportunity to satisfy the certification requirements.

b. If additional experience or education is required for the veteran's applicant's qualifications to be considered substantially equivalent, the veteran applicant may request that the division issue a provisional license for a specified period of time, during which the veteran applicant will successfully complete the necessary experience or education. The division shall issue a provisional license for a specified period of time upon such conditions as the division deems reasonably necessary to protect the health, welfare, or safety of the public unless the division determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the division shall notify the veteran applicant in writing, explaining the decision, and shall inform the veteran applicant of the steps the veteran applicant may take in order to receive a provisional license.

d. No change.

278.3(6) A veteran applicant who is aggrieved by the division's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division's decision. There are no fees or costs assessed against the veteran applicant in connection with a contested case conducted pursuant to this subrule.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

ITEM 4. Amend **661—Chapter 506**, title, as follows:
**MILITARY SERVICE, ~~AND~~ VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY
SERVICE MEMBERS FOR ELECTRICIANS AND ELECTRICAL CONTRACTORS**

ITEM 5. Amend rule 661—506.1(85GA,ch1116) as follows:

661—506.1(85GA,~~ch1116~~ 272C) Definitions.

“*Board*” means the electrical examining board established in Iowa Code section 103.2.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“*Spouse*” means a spouse of an active duty service member of the military forces of the United States.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 6. Amend rule **661—506.2(85GA,ch1116)**, parenthetical implementation statute, as follows:

661—506.2(85GA,~~ch1116~~ 272C) Military education, training, and service credit.

ITEM 7. Amend rule 661—506.3(85GA,ch1116) as follows:

661—506.3(85GA,~~ch1116~~ 272C) Veteran and spouse of active duty service member reciprocity.

506.3(1) A veteran or a spouse with an electrical license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for licensed electricians as set out in the administrative rules in effect at the time that the application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A veteran or a spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran or a spouse under this subrule shall be given priority and shall be expedited.

506.3(2) An application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary histories and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

506.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the licensing requirements of the jurisdiction where the ~~veteran applicant~~ is licensed are substantially equivalent to the licensing requirements in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

506.3(4) The board shall promptly grant a license to the ~~veteran applicant~~ if the ~~veteran applicant~~ is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

506.3(5) If the board determines that the licensure requirements in the jurisdiction in which the ~~veteran applicant~~ is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the ~~veteran applicant~~ of the additional experience, education, or examinations required

PUBLIC SAFETY DEPARTMENT[661](cont'd)

for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If a ~~veteran~~ an applicant has not passed the required examination(s) for licensure, the ~~veteran applicant~~ may not be issued a provisional license but may request that the application be placed in pending status for up to one year or as mutually agreed to provide the ~~veteran applicant~~ with the opportunity to satisfy the examination requirements.

b. to d. No change.

506.3(6) ~~A veteran~~ An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. There shall be no fees or costs assessed against the ~~military service~~ applicant in connection with a contested case conducted pursuant to this subrule.

ITEM 8. Amend **661—Chapter 506**, implementation sentence, as follows:

These rules are intended to implement ~~2014 Iowa Acts, chapter 1116, division VI~~ Iowa Code chapter 272C.

[Filed 6/10/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.

ARC 5075C

RACING AND GAMING COMMISSION[491]

Adopted and Filed

Rule making related to licensing sanctions

The Racing and Gaming Commission hereby amends Chapter 3, "Fair Information Practices," and Chapter 6, "Occupational and Vendor Licensing," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 99D.7 and 99F.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 261.121.

Purpose and Summary

This rule making adopts amendments to implement legislation that was passed in 2019 prohibiting licensing sanctions against individuals who default or are delinquent on student loan debt or on a related service obligation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 8, 2020, as **ARC 5026C**. A public hearing was scheduled to be held via conference call on April 28, 2020, at 1 p.m. if anyone wished to be heard. No one asked to be a part of the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on June 4, 2020.

RACING AND GAMING COMMISSION[491](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 3.11(3) as follows:

3.11(3) *Sharing information.* Notwithstanding any statutory confidentiality provision, the agency may share information with the child support recovery unit and the ~~college student aid commission~~ centralized collection unit of the department of revenue through manual or automated means for the sole purpose of identifying licensees or applicants subject to enforcement under Iowa Code chapter 252J, ~~261-272D~~ or 598.

ITEM 2. Rescind and reserve rule ~~491—6.12(99D,99F,261)~~.

[Filed 6/4/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.



EXECUTIVE ORDER NUMBER SIX

WHEREAS, an outbreak of Novel Coronavirus 2019 (COVID-19) has spread throughout Iowa and the world resulting in a global pandemic; and

WHEREAS, the Iowa economy has been profoundly impacted by the pandemic, as an unprecedented number of Iowans have been unemployed and nearly all sectors of the economy have been affected, including agriculture, food service and accommodation, manufacturing, health care and social assistance, retailers, and the self-employed; and

WHEREAS, the people of Iowa have stood strong together throughout this pandemic, taking actions to reduce the spread of the virus, providing essential goods and services in new ways, and developing creative solutions to adapt and rebuild; and

WHEREAS, these current challenges present an opportunity for the people of Iowa to innovate and rebuild our state so that it will grow even stronger in the years to come; and

WHEREAS, the people of Iowa shall benefit from a centralized coordination effort to learn from the challenges and innovations of Iowans across the state in response to this pandemic and to guide the continued rebuilding and growth of the Iowa economy.

NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa do hereby order the establishment of the Governor's Economic Recovery Advisory Board to serve as the central point of coordination of efforts to learn from the challenges and innovations of Iowans across the state in response to this pandemic and to guide the continued rebuilding and growth of the Iowa economy.

PURPOSES AND DUTIES

- I. The Governor's Economic Recovery Advisory Board shall serve as the central point of coordination of state activities for the recovery and rebuilding efforts following the COVID-19 pandemic. The Advisory Board will work across all areas of state government to deliver an effective and efficient rebuilding and strengthening of Iowa's economy.
- II. The duties of the Governor's Economic Recovery Advisory Board shall include, but are not limited to, advising the Governor on:
 - A. Assessing the impact of the pandemic and innovative response and recovery efforts already underway across our state and all sectors of Iowa's economy; and
 - B. Providing inclusive opportunities for the full diversity of Iowans, including all communities, the public, businesses, nonprofit organizations, and other stakeholders to provide input into the stabilization, recovery, and growth process.
 - C. Coordinating all levels and branches of government, private and nonprofit organizations to implement stabilization, recovery, and growth efforts; and

- D. Identifying funding sources and innovative funding alternatives for stabilization, recovery, and growth efforts; and
 - E. Developing solutions to fill the gaps in current and long-term recovery and rebuilding efforts; and
 - F. Identifying appropriate metrics and benchmarks that measure Iowa's economic stabilization, recovery, and growth; and
- III. The Governor's Economic Recovery Advisory Board shall also provide oversight and coordination of all working groups established by this Executive Order.

ORGANIZATION AND OPERATION

- IV. **Advisory Board Membership.** The Governor's Economic Recovery Advisory Board shall consist of a chair, the State's Chief Economist, and any additional members deemed necessary by the Governor. Each appointed member shall serve at the pleasure of the Governor and without compensation.
- V. **Working Groups.** The Governor shall appoint working groups charged with assisting the Advisory Board in coordinating a comprehensive recovery and growth effort. The Governor shall appoint a chair and any additional members she deems necessary for each working group. The working group chairs and members shall serve at the pleasure of the Governor and without compensation. The following working groups shall be established:
- A. Agriculture
 - B. Connectivity
 - C. Economic Growth
 - D. Education
 - E. Government
 - F. Public Health and Healthcare
 - G. Expanding Iowa's Workforce
- VI. **Meetings.** The Governor's Economic Recovery Advisory Board shall hold public meetings as scheduled by the chair of the Advisory Board.
- VII. **Staffing and Support.** Staffing and administrative assistance for the Governor's Economic Recovery Advisory Board shall be provided by the Office of the Governor and by other agencies, persons, or organizations from time to time as deemed necessary or appropriate by the Advisory Board or the Office of the Governor.

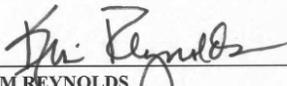
IMPLEMENTATION AND INTERPRETATION

- VIII. All departments, agencies, boards, or other political subdivisions of any state and local governments shall cooperate fully with the Governor's Economic Recovery Advisory Board. The Advisory Board may seek the expertise and services of individuals and entities outside of its membership for research, advice, and other needs, as necessary or appropriate, to accomplish its mission.
- IX. All work of the Governor's Economic Recovery Advisory Board shall be done in a manner consistent with the laws and regulations of the State of Iowa, and of the laws and regulations of the United States of America.
- X. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect and shall not be affected by such finding of invalidity or unenforceability.

- XI. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons.
- XII. This Executive Order shall apply prospectively only as of its effective date.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF IOWA TO BE AFFIXED TO THIS EXECUTIVE ORDER. DONE IN DES MOINES, IOWA THIS 18TH DAY OF JUNE IN THE YEAR OF OUR LORD TWO THOUSAND AND NINETEEN.



KIM REYNOLDS
GOVERNOR OF IOWA

ATTEST:



PAUL D. PATE
SECRETARY OF STATE